MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

UDL3612 – LAND LAW I

(All Sections / Groups)

16 OCTOBER 2015
Reading Time : 9:00 a.m. – 9:15 a.m.
(15 Minutes)
Answering Time: 9:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions only.

3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Students are allowed to bring into the Examination Hall a CLEAN and ORIGINAL copy of National Land Code 1965 (Act 56 of 1965).

4. Please write all your answers in the Answer Booklet provided.

QUESTION 1

In rejecting the defendants' claim that the doctrine of equitable estoppel applied in the case of *Verama v Amarugam & Anor* [1982] 1 MLJ 107, Justice Arulanandom stated at page 108:

> "But one must always realise that in interpreting land laws in this country, one should always bear in mind that land laws are governed by the National Land Code which does not allow the law to be tempered by equity."

Explain to what extent the equitable principles and remedies are recognised in Malaysian Land Law.

(Total: 25 marks)

QUESTION 2

(a) Distinguish the main improvement on law and procedure made in the 2013 amendments to the Strata Titles Act 1985 on the application for issuance of strata titles.

(10 marks)

(b) Lucy was an owner of a vacant land. She recently discovered that a portion of the vacant land ("land concerned") was being used for construction by a private developer into a housing development. Upon further enquiry and search, she was shocked that the land concerned was acquired by the State Authority without any issuance of Forms A and B as prescribed by the Land Acquisition Act 1960 and that Forms D, E and F though issued were not served on Lucy at the correct address. The initial reason given for the acquisition was for public purpose (to build a recreational park). Upon acquisition of the land concerned with compensation of nominal sum of RM1 only, the State Authority re-alienated the land concerned to the private developer for housing project development.

Advise Lucy on the legality of such acquisition and possible cause of action.

(15 marks)

(Total: 25 marks)

Continued...

QUESTION 3

(a) "At common law, the owner of land is 'the owner of everything up to the sky and down to the centre of the earth' according to the Latin maxim *cujus est solume jus estusque ad coelom et ad inferos* (whose is the soil, his is also that which is above it)."

Corbett v Hill (1870) LR 9 Eq 671 at 673, *per* James V-C

In the light of the above statement, discuss as to what extent the registered proprietor has the right to use and enjoy the airspace of the land, and what are the cause of action available upon deprivation of such right? Cite the relevant cases where appropriate.

(15 marks)

(b) Tashibo is a manufacturer of lifts and he also provides services for the erection and installation of lifts. By a leasing agreement, Tashibo supplies and installs two units of lifts to Disneyland Sdn. Bhd. (the Company). The agreement, *inter alia*, provides for retention of title clause. The lifts are installed at both ends of the five storey office building belonging to the Company. The building is erected on a land which was earlier charged to Pluto Bank Bhd. (the Bank).

Mickey, the Managing Director of the Company, bought two original paintings worth RM1 million each and fixed both paintings on the wall of his office located in the fifth floor.

The Company faces severe financial difficulties and defaults on the loan repayment to the Bank. The Bank obtained an order for sale and wants to know what items on the land form part of the land for the purposes of the auction sale.

Advise the Bank.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 4

(a) "The State Authority is vested with the entire property in all State lands, where the State Authority is accordingly vested with powers to dispose of land in the manner provided in the National Land Code 1965, the Mining Enactment and the National Forestry Act 1984".

In the light of the above statement, explain who the State Authority is and explain in detail how the State Authority disposes the State land.

(15 marks)

(b) ABC Sdn. Bhd. (the Developer) intends to develop a piece of land in Shah Alam, Selangor. The development proposal has been approved by the local authority but the Developer has a problem evicting squatters who are occupying the land. These squatters contend that they have been occupying the land for more than 30 years i.e. before the land was alienated by the State Authority to the Developer. They also claimed that the Chief Minister of Selangor has promised that the land will be alienated to them. They further argued that there is an implied consent from the State Authority for them to occupy the land since all the basic amenities are available in the area.

You are the property manager for the Developer. Advise your company as regards to the status of these squatters and their rights.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 5

(a) Muthusamy is the current registered proprietor of a piece of land in Kuala Lumpur. The land was alienated to his grandfather in the year 1964 and Muthusamy has inherited the land from his grandfather since 2010.

In order to jointly develop the land with ABC Development Sdn. Bhd. into a housing project, Muthusamy applied for subdivision of the land into 20 separate individual titles. Muthusamy was advised by ABC Development Sdn. Bhd. that it is not required to apply for conversion of the category of land use from 'Agriculture' to 'Building' as it is stated "NIL (TIADA)" for the category of land use on the land title.

The Land Executive Committee would only approve Muthusamy's application on the following conditions:

I. Muthusamy must surrender his perpetuity title in return for a 99-year lease.
II. Muthusamy must apply for change of category of land use.

Advise Muthusamy on the above conditions imposed by the Land Executive Committee. Would you answer be different if the joint development is to build 20 blocks of greenhouses?

(15 marks)

(b) Doremo has made a private land search with the Registrar of Land Titles, Melaka on a piece of land in Bukit Beruang. The computerised report showed that Popeye was the land owner and the land is free from encumbrances. After paying full purchase price to Popeye, Doremo presented the Transfer in Form 14A for registration but was rejected by the Registrar on the ground that the actual land owner is Papaya and not Popeye and there was also a private caveat entered on the land. Popeye has disappeared.

Advise Doremo on his cause of action against the Registrar of Land Titles. Would your answer be different if Doremo has made an official search?

(10 marks)

(Total: 25 marks)

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